

**Application Number
B-16/02**

CITY OF GUELPH
Committee of Adjustment
59 Carden Street
Guelph, Ontario. N1H 3A1
(519) 837-5615

The Committee, having had regard to the matters that are to be had regard to under Sections 51(17) of the Planning Act R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land, passed the following resolution:

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 8, Registered Plan 591, to be known as 66 Lyon Avenue, a parcel with a frontage along Lyon Avenue of 18.59 metres (60.99 feet) and depths of 53.75 metres (176.34 feet) and 49.82 metres (163.45 feet), be approved, subject to the following conditions:

1. That the owner enters into an Engineering services agreement with the City prior to the endorsation of the deeds.
2. That prior to endorsation of the deeds, the applicant shall enter into a typical subdivision agreement with the City, registered on title, satisfactory to the City Solicitor covering but not limited to:
 - a) registration and endorsation of deeds;
 - b) payment for existing services;
 - c) construction and payment for municipal services;
 - d) development charges;
 - e) grading and drainage;
 - f) covenants;
 - g) release from agreement.
3. That the applicant submits and receives approval from the City for a site plan under Section 41 of the Planning Act, for the severed property prior to issuance of a building permit.
4. That the applicant applies for sanitary and water laterals and pays the rate in effect at the time of application prior to issuance of a building permit.
5. That prior to the endorsation of the deeds, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the sites in accordance with the approved plans.
6. That the applicant builds on the lot and grades and drains the lot in accordance in accordance with a plan that has been submitted to and approved by the Commissioner of Environment and Transportation, prior to issuance of a building permit.
7. That the applicant places a covenant in the deed agreeing to grade and drain the property in accordance with a plan that has been approved by the Commissioner of Environment and Transportation, prior to issuance of a building permit.

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8. That the applicant constructs a building at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
 9. That prior to the endorsation of the deeds, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
 10. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (1999) – 15992, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
 11. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989) – 13410, as amended from time to time, or any successor thereof, prior to the issuance of any building permit, at the rate in effect at the time.
 12. That the elevation and design for the new dwellings be submitted to, and approved by, the Director of Planning, prior to the issuance of a building permit for the new dwelling.
 13. That a site plan, be prepared for the severed lots be submitted to the Director of Planning indicating:
 - a) The location and design of the new dwelling and garage;
 - b) The location of all existing trees to be removed and retained; and methods to protect the existing trees to be retained during all phases of construction;
 - c) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - d) Grading, drainage and servicing information as required by the Director of Works andAll of the above to be submitted to, and approved by the Director of Planning and the Director of Works, prior to the issuance of a building permit for the new dwelling.
 14. That the front yard setback for the proposed house on the severed lot fronting on Lyon Avenue be consistent with the setbacks of the existing houses on this block.
 15. That prior to the endorsation of the deeds the owner shall enter into an Agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

DECISION

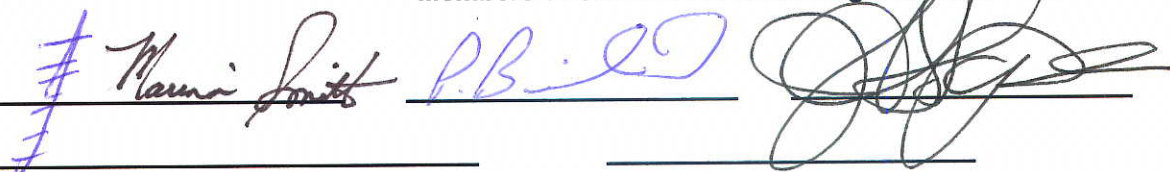
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16. That prior to endorsement of the deed, the applicant make arrangements for provision of underground services to the retained and severed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2003.
18. That all required fees and charges in respect of the registration of all documents required in respect of this approval be paid, prior to the endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared which shall indicate the boundaries of the severed parcel, any easements/right-of-way and building locations, and that this Plan shall be deposited in the Land Registry Office and a deposited copy thereof be also filed with the Secretary-Treasurer, prior to endorsement of the deed."

Members of Committee Concurring in this Decision



I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the Decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on April 9, 2002.

Signed: 

Dated on: April 12, 2002

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is May 2, 2002.